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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177190
Party	Defendant The North-Eastern Band of Cherokee Indians The North-Eastern Band of Cherokee Indians ns 388-90 Grand Concourse #1 The Bronx, NY 10451
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Submission	Answer
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13 June 2007  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
CHEROKEE NATION

V. Opposition Numbers: 91177190 & 91177191  
NORTH-EASTERN BAND OF CHEROKEE INDIANS  
HEREBY ANSWERS THE NOTICE OF OPPOSITION AS  
FOLLOWS (AMENDED ANSWER)

1. ADMIT
2. ADMIT
3. ADMIT
4. ADMIT

5. DENY We North-Eastern Band of Cherokee Indians cannot  
understand how the "Cherokee Nation, a federally recognized  
-2 of 6-

Indian Tribe" could think that anyone will confuse or mistake the  
North-Eastern Band of Cherokee Indians mark with the  
unregistered mark of the "Cherokee Nation, a federally recognized  
Indian Tribe." However, to avoid any alleged confusion we will add  
the following disclaimer:

"The North-Eastern Band of Cherokee Indians cannot claim any  
benefits afforded state or federally recognized Indian Tribes.  
Furthermore, the North-Eastern Band of Cherokee Indians is not in  
any way a satellite of, or in any way affiliated with the Cherokee  
Nation, Cherokee Nation Enterprises, L.L.C., Cherokee Casino  
Resort, Cherokee Hills Golf Club."

6. Our North-Eastern Band of Cherokee Indians mark does not  
"closely resemble Opposer's Cherokee Nation mark." Our mark  
states our location and that we are a Band, not a Nation. The only  
similar word is "Cherokee" and, as Cherokee descendants, we have  
every right to our Cherokee identity, even if we are not on the  
1898-1914 Dawes Rolls, or the 1924 Baker Roll.

7. Our North-Eastern Band of Cherokee Indians mark does not "so  
closely resembles Opposer's Cherokee Nation mark...Applicant  
-3 of 6-

will falsely suggest a connection with Opposer and its  
citizens...."

This is not true. All Cherokee descendants are not  
residing in Oklahoma or North Carolina. There are Cherokee descendants  
here

in the northeast who left Cherokee lands to seek better  
economic opportunities. Many of us northeastern Cherokee  
descendants were not born on Cherokee lands. Many of us were born in urban  
areas.

But it is still our birthright to identify with our  
ancestors no matter what our complexion-Red, Black, White, ect-and we do know  
our culture and we do speak, read, and write our Cherokee

language.

8. We are not "misrepresentative of citizenship (membership)...and deceptive...." All of us are Cherokee descendants. Many of our ancestors are on the 13 various rolls that are not accepted by the 3 federally recognized Cherokee Tribes. Understanding this, we have banded together in these urban areas to keep the traditions of our Principle People alive.

9. The registration of our mark will not in any way cause the disrepute or cheapening of the mark of the "Cherokee Nation a federally recognized Indian Tribe." We will not cause the Cherokee Nation mark "irreparable damage and injury," and our Opposer has

-4 of 6-

not given nary an instance of such from 1971 to the present.

10. Our North-Eastern Band of Cherokee Indians mark has acquired sufficient distinctiveness here in the northeast to represent us northeastern Cherokee descendants. This is our reason for trademark registration. Many Cherokee organizations, bands, Tribes, and Nations are seeking individuality, some within the same reservation (the Freedman, the United Keetoowah Band, both residing within the Cherokee Nation reservation), and some are accomplishing this with trademark registration.

11. On this point of the Opposer's submission, they state "Applicant will

receive benefits to which it is not entitled, to the damage and detriment of Opposer, and it's Cherokee Nation mark." This is not true. In order to receive federal benefits, a Tribe must go through the lengthy federal recognition process. If they become federally recognized, they are then placed on the Federal Roster. Before a Tribe can receive any federal benefits their federal status must be verified! Any one familiar with the federal recognition process will tell you this. Certainly the "Cherokee Nation, a federally recognized Indian Tribe" and their lawyers must also be aware of

-5 of 6-

this. We are surprised that the "Cherokee Nation, a federally recognized Indian Tribe," would state a point that is not true.

We North-Eastern Band of Cherokee Indians are not federally recognized and cannot request, or claim, any benefits

afforded

federally recognized Indian Tribes (and we are not "immoral, scandalous,"... or untruthful). Ergo, the North-Eastern

Band of Cherokee Indians will not "receive benefits to which it is

not

entitled, to the damage detriment of Opposer, and its

Cherokee

Nation mark."

We ask that registration of our North-Eastern Band of Cherokee Indians mark, Serial Number 78831782, filed 8 March 2007, for a collective membership mark in International Class 200, be sustained.

Not once since 1971 has the Opposer shown how our mark has caused

any "damage and detriment of Opposer...irreparable damage and  
injury  
to Opposer...confusion, mistake, and deception...", or how we  
"will  
falsely suggest a connection with Opposer and its  
citizens...receive  
benefits to which it is not entitled." Registration of our mark  
will not  
cause "Priority and likelihood of confusion," as it is not  
"confusingly  
similar" to any of the Opposer's-lucrative-registered marks. Any  
one  
-6 of 6-  
can see that our mark stands alone and separate in  
distinctiveness,  
and represents ONLY the northeastern Cherokee descendants.

We North-Eastern Band of Cherokee Indians thank you for allowing  
us to respond to this matter.

Respectfully submitted 15 May 2007

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GreyWolf Richards, Wolf Clan

North-Eastern Band of Cherokee Indians

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cc: Anthony Jorgenson @ ajorgenson@hallestill.com